

### **REMARKS**

Claims 83-107 are pending herein. By this Amendment, claim 107 has been amended, and claim 108 is cancelled without prejudice or disclaimer. The amendment of claim 107 is supported by claims 83, 106, and now cancelled claim 108. The amendment of claim 107 places it in independent form incorporating the features of claims 83 and 106 upon which it depended, and the features of its dependent claim 108. Claims 107 and 108 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if placed in independent form including the limitations of the base claim and any intervening claims. The features of claims 106 and 108, but not the features of all intervening claims have been incorporated into claim 107, and for reasons as presented below, amended claim 107 is believed to be allowable. The issues are reduced by incorporating the features of claims 83, 106 and 108 into claim 107, and by cancellation of claim 108. No new matter has been introduced. Accordingly, entry of the amendment is respectfully requested.

Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in claims 107 and 108 and that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant also gratefully acknowledges that the Examiner has withdrawn all previous rejections. New rejections have been made over a newly cited reference which was supplied by applicants in an information disclosure statement.

#### **I. REQUEST FOR CITATION OF REFERENCES**

Applicants respectfully request that the Examiner cite the foreign references which were crossed off the form PTO-1449 submitted with the January 23, 2006 Information Disclosure Statement. As stated therein, each reference was cited in the International Search Report and a copy of each reference should have been supplied by the

International Bureau. Moreover, copies of the references were submitted with the Response to Notice of Non-Compliant Amendment filed on November 24, 2008 upon the October 22, 2008 request by the Examiner.

## II. REJECTIONS UNDER 35 U.S.C. 102(b) and 103(a)

Claims 83-85 stand rejected under 35 U.S.C. 102(b) as being anticipated by GB 2,261,705 to Strafford. Claims 86-106 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Strafford. These rejections are respectfully traversed.

The Examiner maintains that Strafford discloses a tower 1 that covers a large area including a building inside a solar roof 8, an air inlet 4, a heat exchanger 5, a turbine 6, and an outlet on top of the tower, and the generation of electricity which is used to supply to the building or to the tower itself which can also be considered as a high-rise building. The Examiner indicates that Strafford clearly discloses the inside of the tower can be formed with helix or spiral passages that have swirls, and discloses a vortex, and compares this tower with the Eiffel tower which is a high-rise building as claimed.

However, the comparison to the Eiffel tower is in terms of tapering in accordance with "the established method of the Eiffel tower," which does not mean that the tower of Strafford is a high rise building integrated with a stack as claimed. See Strafford page 7 third full paragraph. The Examiner admits that Strafford does not disclose the valve assembly and different designs for the helix including stairways, cladding etc. but alleges it would have been obvious at the time the invention was made to a person having ordinary skill in the art to select a valve assembly and different helix designs in Strafford for the purpose of achieving appropriate work output. The Examiner does not provide any reasons why it would have been obvious to provide a valve assembly and different helix designs as claimed for the Strafford apparatus and impermissibly relies upon applicant's own disclosure for such teachings.

Stafford does not teach or suggest in combination an energy generating power plant for integration with a high rise building and which is capable of energizing at least one power generating device using atmospheric wind energy from a first location and capturing the energy for transfer to another location to augment energy requirements of the building. The plant includes a stack integrated with the building with at least one inlet leading to at least one through passage in the stack which each receive air drawn from an air source exterior of the building.

Stafford discloses an apparatus for generating an air flow in the form of a tower, comprising a duct which rises to a substantial height, e.g. 10 to 17 km. It is worth noting that there is no building on earth which extends to a height of 10 to 17 km from a ground surface or from sea level. Means are provided for providing warm air for passage up the duct, which may include the provision of a large transparent roof over the ground surrounding the duct to heat the air beneath the roof by solar heating. For this purpose the roof may include water-filled solar panels connected to a heat exchanger. The warm air in the duct rises to a height at which moisture may condense therefrom thus creating a further driving force for the air flow through the duct. The air flows into the duct through inlets and the exchangers may be used to drive turbines for the generation of electricity. Further air inlets are provided in the side of the tower. The apparatus disclosed and the objective of the invention is an attempt to replicate the work of a hurricane or cyclone by the removal of solar heat from the ground and the transport of this heat to a high altitude (e. g. 10 to 17 km). The removal of ground solar heating in an area prone to hurricanes may thus prevent natural hurricanes occurring. Thus the tower disclosed is essentially a device for preventing hurricanes from forming by transferring heat 10 - 17 km into the sky. The present invention on the other hand is intended to supplement or augment the available energy supply to the building and convert that energy such as wind energy, to drive other plant and equipment.

The structure described is intended to simulate the thermodynamic behavior of a hurricane but there is no teaching or suggestion in the citation that that the structure is intended to be integrated with a high rise building and which is capable of energizing a power generating device, and receiving atmospheric wind energy from a first location and capturing the energy for transfer to another location to augment energy requirements of the building.

The Stafford citation proposes a duct which may be in the form of a tower, surrounded by a substantial area provided with a flat, transparent roof from beneath which the air is supplied to the duct. The air beneath the flat, transparent roof may be moistened by a spray of water taken from the condensate in the duct. Further, water may be heated by solar panels situated beneath a part of the transparent roof.

The tower may be between 5 and 20 km high, and the transparent roof may cover an area of the order of 100 km square. The diameter of the base of the tower may be approximately 12 km, and the diameter of the top of the tower may be approximately 5 km. It is not seen how such a structure could be constructed, with the maximum heights proposed being beyond the troposphere which ends about 18 km above the equator and at about 8 km over the poles. The troposphere marks the point where convection from the lower levels weakens markedly as the air above no longer cools with height. Accordingly, a structure of that scale would not meet the objects of the alleged invention. Even if one reads this proposal with a will to make it somehow work (it is not conceded that it would work), there is no suggestion that it has the combination of features claimed by the present applicant. Although it has an objective of harnessing/capturing energy, the solution proposed is entirely different and there is no suggestion or motivation to use the tower as a self contained structure to augment the power requirements of a high rise building. Furthermore, a main objective of the invention proposed in the citation is to reduce the tendency for hurricanes to form which has nothing to do with the objectives of the applicant's invention.

The tower may be provided with internal ducting, which may be configured in helices, or have swirl. The tower may also have air inlets at a height of between 2 and 4 km. It is hard to contemplate the feasibility of a building or tower over 6000 feet high and providing openings at that height. There is not teaching or suggestion of integration of the tower into a building as in the applicant's claimed invention. The Applicant's invention is feasible as it is intended to augment the power requirements of a conventional high rise building using wind energy harnessed from the outer surface of the building, transferred vertically and delivered to drive at least one power plant in the building.

Reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) and 103(a) is respectfully requested.

## II. CONCLUSION

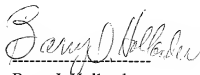
In light of the foregoing amendments and remarks, this application is in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application.

It is not believed that any additional claim fees are due with this amendment. However, any additional fees should be charged to, or any overpayment in fees should be

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Amendment After Final Rejection Under 37 C.F.R. 1.116  
WALS-106

credited to, Deposit Account No. 19-0089 (P32971).

Respectfully submitted,  
Steven Kenessey

A handwritten signature in cursive script, appearing to read "Barry I. Hollander", written over a horizontal dashed line.

Barry I. Hollander  
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